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MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

NOTIFICATION

*New Delhi, the 30th October 1957*

**S.R.O. 3504.**—In exercise of the powers conferred by section 3 of the *Essential Commodities Act, 1955* (10 of 1955), the Central Government hereby makes the following Order, namely:—

**HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER, 1957**

**1. Short title, extent and duration.**—(1) This Order may be called the *Himachal Pradesh Seed Potato (Control) Order, 1957*.

(2) It extends to the whole of district of Mahasu of Himachal Pradesh.

(3) This Order shall remain in force up to the 31st January, 1958.

**2. Definitions.**—In this Order, unless the context otherwise requires,—

(a) “dealer” means a person carrying on the business of selling or purchasing potato seed, whether whole-sale or retail, and includes an agent of a dealer;

(b) “Director of Civil Supplies” means the Director of Civil Supplies of Himachal Pradesh Administration, and includes the Deputy Registrar (Development), Co-operative Societies, Himachal Pradesh;

(c) “export” means to take out of the territory by land or air to any place outside the territory;

(d) “seed potato” means the tuber of the plant *Solanum Tuberosum* harvested between the month of September, 1957, and the month of January, 1958, and which is of normal shape characteristic to the variety, viable, mature, firm, free from diseases with well-developed eyes;

(e) “State Government” means the Lieutenant Governor of Himachal Pradesh;

(f) “territory” means the district of Mahasu, Himachal Pradesh.

3. **Dealers etc. to obtain licence.**—No person shall carry on the business of selling potato seed and no person shall store potato seed for the purpose of sale in the territory except under and in accordance with the terms and conditions of a licence granted to him under this Order.

4. **Restriction on export of potato seed.**—No person shall export or attempt to export or abet the export of, any potato seed which is not graded in accordance with the directions issued by the Director of Civil Supplies under the provisions of this Order:

Provided that nothing contained in this clause shall apply to the export of potato seed not exceeding in the aggregate 20 seers in weight at any one time by a bonafide traveller as a part of his luggage.

5. **Application for licence.**—Every person desiring to obtain a licence under this Order shall make an application in duplicate to the Director of Civil Supplies in form A.

6. **Grant and refusal of licence.**—(1) The Director of Civil Supplies may, for reasons to be recorded, refuse to grant a licence to any applicant and shall furnish him with a copy of the order so passed.

(2) Where an application for a licence is not refused under sub-section (1), the Director of Civil Supplies shall grant the applicant a licence in form B.

7. **Period of validity of licence.**—Every licence issued under this Order shall, unless previously cancelled or suspended, expire on the 31st January, 1958.

8. **Issue of directions.**—(1) The Director of Civil Supplies may issue direction to all licence holders generally in regard to—

- (a) the place and time of purchase or sale of seed potato;
- (b) grading and packing of seed potato and marking and sealing of containers thereof;
- (c) issue of vouchers;
- (d) submission of returns in the form prescribed by the Director of Civil Supplies from time to time.

(2) When any directions are issued under sub-clause (1), any person holding a licence shall comply with such directions.

9. **Power to cancel or suspend licence.**—The Director of Civil Supplies may, after giving the holder of a licence an opportunity of being heard, cancel or suspend a licence on any of the following grounds, namely:—

- (a) that the licence had been obtained by misrepresentation as to a material particular; and
- (b) that any of the provisions of this Order or terms and conditions of the licence has been contravened.

10. **Appeal.**—Any person aggrieved by an order—

- (a) refusing to grant a licence;
- (b) cancelling or suspending a licence, may, within fifteen days from the date of the order, appeal to such authority as the State Government may specify in this behalf, and the decision of such authority shall be final.

11. **Service of orders and directions.**—Any order or direction made or issued by the Director of Civil Supplies may be served in the manner provided in sub-section (5) of section 3 of the Essential Commodities Act, 1955 (10 of 1955).

12. **Power of entry, search, seizure etc.**—The Director of Civil Supplies or any officer specially authorised by him in writing in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,—

- (i) stop and search any person, motor or any vehicle, animal or receptacle used or capable of being used for the carriage of potato seed;
- (ii) enter and search any place,
- (iii) seize any potato seed in respect of which he has reason to believe that any provision of this Order has been, is being, or is about to be, contravened.

13. **Exemption.**—The State Government may, for sufficient reasons, exempt any person or class of persons or any department of the Government from the operation of all or any of the provisions of this Order

**SCHEDULE**

**FORM A**

(See Clause 5)

*Application for Licence*

From

To

Sir,

Kindly grant a licence authorising the undermentioned individual/firm/joint stock company/co-operative society, to sell or store for sale potatoes under the HIMACHAL PRADESH SEED POTATO CONTROL ORDER, 1957. The individual/firm/joint stock company/co-operative society, is a *bonafide* dealer/grower of seed potato and shall abide by the terms and conditions of the aforesaid Order. The individual/firm/joint stock company/Co-operative Society will carry on business at the following places in the area of.....District.

I/we certify that the particulars given by me/us in the application are correct to the best of my/our knowledge and belief.

Date .... Signature .....

**FORM B**

[See Clause 6 (2)]

*Licence for the purpose of purchase, sale or storage for sale of seed potatoes*

Subject to the provisions of the HIMACHAL PRADESH SEED POTATO CONTROL ORDER, 1957 and to the terms and conditions of this licence, ..... is hereby licensed to purchase, sell or store for sale seed potatoes.

2. The licensee may carry on the aforesaid business in the following places:—

3. The licence holder shall grade the potatoes in such varieties or sizes as may be laid down by the Director of Civil Supplies or other officer acting under his authority for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage and sale of seed potatoes.

[No. 16-4/57-Coop.II(C.M).]

P. N. THAPAR, Secy.

